

Design Review Board

January 8, 2020

MINUTES OF A REGULAR MEETING OF THE DESIGN REVIEW BOARD OF THE TOWN OF CLARKDALE HELD ON WEDNESDAY, JANUARY 8, 2020, AT 6:30 P.M. IN THE MEN'S LOUNGE OF THE CLARK MEMORIAL CLUBHOUSE, 19 N. NINTH STREET, CLARKDALE, AZ.

BOARD MEMBERS:

Chairman Pierce	Present
Vice Chair Prud'homme-Bauer	Present
Board Member Branam	Present
Board Member Lindner	Remote via speaker phone
Board Member Kaempfe	Present

STAFF:

Community Development Director Ruth Mayday
Project Manager Mike Gray
Town Manager Tracie Hlavinka
Public Works Director Maher Hazine

A **Regular Meeting** of the Design Review Board of the Town of Clarkdale was held on Wednesday, January 8, 2020, at 6:30 p.m. in the Men's Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, AZ.

1. **AGENDA ITEM: CALL TO ORDER:** Chairman Pierce called the meeting to order at 6:30 p.m.

2. **AGENDA ITEM: ROLL CALL:** Project Manager Gray called roll.

3. **AGENDA ITEM: PUBLIC COMMENT:**

- a. The public is invited to provide comments at this time on items that are not on this agenda. Action taken as a result of public comment will be limited to directing staff to study the matter or scheduling the matter for further consideration and decision on a later agenda, as required by the Arizona Open Meeting Law. Each speaker is asked to limit comments to **FIVE minutes**.

No public comment.

4. **AGENDA ITEM: MINUTES:**

Consideration of the **Regular Meeting Minutes of December 4, 2019.**

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Board Member Lindner requested correction to his comments related to the Dollar General store. He clarified that the intent of his comments revolved not around the placement of a commercial use adjacent to residential but pertained to the orientation of the Dollar General Store so that it ended up facing residences. Staff noted the correction.

Motion to approve the minutes with the above amendment by **Vice Chair Prud'homme-Bauer**.

Seconded by **Board Member Branam**.

Chairman Pierce	Aye
Vice Chair Prud'homme-Bauer	Aye
Board Member Branam	Aye
Board Member Lindner	Aye
Board Member Kaempfe	Aye

The motion carried and was unanimously approved.

5. AGENDA ITEM: REPORTS: Chairperson and Member Report:

None.

6. AGENDA ITEM: REPORTS: Staff Member Report:

Community Development Director Mayday describes a new agenda format and some other changes lending to consistency. She also mentions the up-coming General Plan process and associated public participation, encourages the board members to contact Community Development with any interest in helping to develop the plan.

7. AGENDA ITEM: OLD BUSINESS:

- a. DISCUSSION ONLY:** Review of Criteria for and purview of Design Review Board. This item was postponed from the meeting held on December 4, 2019.

Community Development Director Mayday presented.

Board Member Kaempfe requested clarification about the term “major” in the context of a major or a minor amendment.

Chairman Pierce suggested this would be a subjective determination made by staff. **Community Development Director Mayday** confirmed this.

Chairman Pierce referenced the theatre building and the formerly bricked-in entry with a roll-up door – he inquired what measures are in place to prevent such a reoccurrence.

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Community Development Director Mayday stated what's in place currently is vague, but that this will be addressed in the focus areas of the General Plan, and that there will be more on this later in the presentation as well as in up-coming meetings. Adoption into the General Plan will give the measures "teeth".

Vice Chair Prud'homme-Bauer requested clarification on the process of appeal of a decision by the DRB – she noted her understanding that a hypothetical appeal could not be heard by Town Council, that instead, it needed to go to the Superior Court. **Community Development Director Mayday** states the way our code is currently written, an appeal would go back to Town Council.

Vice Chair Prud'homme-Bauer requested clarification of the influence DRB can have over sign content. Citing Reed vs. Town of Gilbert, **Community Development Director Mayday** opined that making such recommendations on behalf of a Town entity is legally not recommended.

Town Manager Hlavinka offered a case in point wherein a municipality was tempted to limit a homeowner's offensive sign. The legal counsel for the municipality advised them to stay well away from such a fight, asserting the homeowner's First Amendment right of free speech.

Board Member Kaempfe brought up the hypothetical situation of approaching the applicant post-meeting and making the recommendation as a fellow citizen. Even so, stated **Town Manager Hlavinka**, this could be risky due to the possibility such a recommendation would be perceived as coming from the public body. More discussion ensued around legal risk making sign content suggestions.

Chairman Pierce summarized his understanding that the DRB's responsibilities under Sections 11 and 4. He noted that sign colors, materials and visual compatibility fall under the DRB's purview, however, "at what point is a color not free speech?" **Community Development Director Mayday** agreed and went on to make the point that this is how our current version of the code is laid out, and that correcting our code will be a process, but the item at hand tonight is to put the process of site plan review under expert staff's purview and relieving the DRB of the associated legal responsibility. **Chairman Pierce** wants to know how the board can focus on design standards if it has no ability to make suggestions to an applicant. He observes this leaves little for the DRB to do besides approve something that already meets code requirements. **Community Development Director Mayday** states the way our code is currently written is at risk of being found arbitrary and capricious, and she stated there is no way to enforce it.

8. AGENDA ITEM: NEW BUSINESS:

1. a. **PUBLIC HEARING: PROPOSED TEXT AMENDMENTS TO CHAPTER 11, DESIGN REVIEW AND SITE PLAN REVIEW, CHAPTER 4, GENERAL PROVISIONS; SUBSECTIONS 4-0120 OFF-STREET PARKING AND LOADING AND 4-080 FENCE HEIGHT, CHAPTER 8, OUTDOOR LIGHTING, CHAPTER 9, LANDSCAPE DESIGN STANDARDS.**

Community Development Director Mayday presented a summary of text proposed amendments.

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Board Member Branam observes the component of scale being moved to the purview of site plan review. She points out the ability of any board member to identify a massive building downtown as being inappropriate from a scale standpoint and states the purpose of DRB is unclear. **Chairman Pierce** agrees. **Community Development Director Mayday** details the differences between site plan review and design review. She reiterates the criteria that fall under site plan review (like the fact that zoning code already limits the example of the massive building from being constructed downtown) and design review, which considers architectural features, textures and scale of doors, windows, etc. **Town Manager Hlavinka** clarifies the issue that scale applies differently, but it still applies to both design and site plan review. More discussion follows to the effect that site plan review carries inherent legal liabilities that should be shouldered by expert staff, while the design review board impacts the visual aesthetics of architecture in various focus areas. It is further confirmed that the DRB will help to determine criteria for the various focus areas in the General Plan.

Chairman Pierce asks about the process of determining these criteria. **Community Development Director Mayday** stated the process will be developed in Design Review Board meetings.

Chairman Pierce observed the standards are more important than the individual projects that come before the board.

Board Member Branam requests a timeline on development of the standards. **Community Development Director Mayday** projects work on the General Plan should start in April pending Council approval of the public participation plan.

Board Member Lindner inquires if this item is up for action or if just for discussion. The item is confirmed for discussion only.

9. FUTURE AGENDA ITEMS:

- a. Development of Design Review Criteria.
- b. Community Development Department has received an application for a proposed multi-family development. Staff anticipates this will be presented at the next regular meeting of the DRB, scheduled for February 5, 2020.

10. ADJOURNMENT:

Board Member Kaempfe moved to adjourn.

Board Member Branam seconded the motion.

Chairman Pierce	Aye
Vice Chair Prud'homme-Bauer	Aye
Board Member Branam	Aye
Board Member Lindner	Aye
Board Member Kaempfe	Aye

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The meeting adjourned at 7:57 PM.

APPROVED BY:



Chairman

Michael Pierce

SUBMITTED BY:



Project Manager

Mike Gray

